



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

October 1, 2003

### **S. 1293** **Criminal Spam Act of 2003**

*As reported by the Senate Committee on the Judiciary on September 25, 2003*

CBO estimates that implementing S. 1293 would have no significant cost to the federal government. Enacting the bill could affect direct spending and revenues, but CBO estimates that any such effects would not be significant. S. 1293 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

S. 1293 would make it illegal to use electronic mail to send deceptive or unauthorized messages regarding commercial products or services. Because the bill would establish a new federal crime, the government would be able to pursue cases that it otherwise would not be able to prosecute. However, we expect that S. 1293 would apply to a relatively small number of offenders, so any increase in costs for law enforcement, court proceedings, or prison operations would not be significant. Any such costs would be subject to the availability of appropriated funds.

Because those prosecuted and convicted under S. 1293 could be subject to civil and criminal fines, the federal government might collect additional fines if the legislation is enacted. Collections of civil fines are recorded in the budget as revenues. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund and later spent. CBO expects that any additional revenues and direct spending would not be significant because of the small number of cases involved.

In addition, persons prosecuted and convicted under the bill also could be subject to the seizure of certain assets by the federal government. Proceeds from the sale of such assets would be deposited in the Assets Forfeiture Fund and spent from that fund, mostly in the same year. Thus, enacting S. 1293 could increase both revenues deposited into the fund and direct spending from the fund. However, CBO estimates that any increased revenues or spending would not be significant.

The CBO staff contact for this estimate is Mark Grabowicz. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.